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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,268	06/01/2005	Pia Baum	272481USOPCT	1119
22850	7590	12/19/2007	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			NGUYEN, KHANH TUAN	
			ART UNIT	PAPER NUMBER
			1796	
			NOTIFICATION DATE	DELIVERY MODE
			12/19/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/537,268	Applicant(s) BAUM ET AL.	
	Examiner Khanh T. Nguyen	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25,27,29 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25,27,29 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Final

Response to Amendment

1. The amendment filed on 10/29/2007 is entered and acknowledged by the Examiner. Claims 25, 27, 29, and 38 are currently pending in the instant application. Claims 1-24, 26, 28, 30-37, and 39 have been canceled.
2. The rejection of claims 25, 27, and 29 under 35 U.S.C 112, second paragraph, is withdrawn in light of Applicant's argument during the interview on 10/16/2007. The rejection of claims 25, 27, and 29 under 35 U.S.C 102(b) over the prior art of record is withdrawn in light of Applicant's amendment and remarks. The rejection of claim 38 under 35 U.S.C 103(a) over the prior art of record is withdrawn in light of Applicant's amendment and remarks

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 38 is rejected under 35 U.S.C. 102(b) as being anticipated by (U.S Pat. 4,705,525 hereinafter, "Abel").

Abel teaches a graft polymer comprising of (a) a polyalkylene glycol main chain having a long chain of fatty acid preferably 10-22 carbon atoms long that is esterified at the two terminal hydroxyl groups. The polyalkylene glycol polymer is grafted with (b) ethylenically unsaturated monomers in the form of side chains at individual carbon atoms of said polyalkylene glycol chain. (col. 1, lines 10-16). Abel also teaches the said (b) ethylenically unsaturated monomers includes polymerisable nitrogen-containing vinyl compound of 5- or 6-members heterocycles such N-vinylpyrrolidone or vinyl pyridine (Col. 2, lines 4-11). The monomers used for grafting onto the side of the said polyalkylene glycol polymer may be different (i.e. admixture) with each other (Col. 2, lines 12-14). The (a) polyalkylene glycol main chain is considered to read on the polymeric grafted base A which contains no monoethylenically unsaturated units. The (b) ethylenically unsaturated monomers is considered readable on at least 2 different monoethylenically unsaturated monomers B1 and B2 each containing a nitrogen heterocycles. Abel teaches a graft polymer useful for dyeing, whitening, bleaching or washing textile materials (Abstract). Abel further teaches the dye bath or whitening bath (i.e. bleaching bath) for textile material may comprise of wool protecting agents and dispersants (col. 6, lines 20-25). It has been held that the recitation that an element is "adapted to" perform or is "capable of" performing a function (i.e. leveling or stripping) is not a positive limitation but only requires the ability to so perform. The recitation of a new intended use (i.e. leveling or stripping agent) for an old product does not make a

claim to that old product patentable, see *In re Schreiber*, 44 USPQ2d 1429 (Fed. Cir. 1997).

The reference specifically or inherently meets each of the claimed limitations in the broadest interpretation. The reference is anticipatory.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 25 and 27 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Abel et al (U.S Pat. 4,705,525).

With respect to claims 25 and 27, Abel teaches a graft polymer comprising of (a) a polyalkylene glycol main chain having a long chain of fatty acid preferably 10-22 carbon atoms long that is esterified at the two terminal hydroxyl groups. The polyalkylene glycol polymer is grafted with (b) ethylenically unsaturated monomers in the form of side chains at individual carbon atoms of said polyalkylene glycol chain. (col. 1, lines 10-16). Abel also teaches the said (b) ethylenically unsaturated monomers includes polymerisable nitrogen-containing vinyl compound of 5- or 6-members heterocycles such N-vinylpyrrolidone or vinyl pyridine (Col. 2, lines 4-11). The monomers used for grafting onto the side of the said polyalkylene glycol polymer may be different (i.e. admixture) with each other (Col. 2, lines 12-14). The (a) polyalkylene glycol main chain is considered to read on the polymeric grafted base A which contains no monoethylenically unsaturated units. The (b) ethylenically unsaturated monomers is considered readable on at least 2 different monoethylenically unsaturated monomers B1 and B2 each containing a nitrogen heterocycles. Abel teaches a graft polymer useful for dyeing, whitening, bleaching or washing textile materials (Abstract). Abel further teaches the dye bath or whitening bath (i.e. bleaching bath) for textile material may

comprise of wool protecting agents and dispersants (col. 6, lines 20-25). The process such as whitening or bleaching a textile material is considered to remove or strip off colors (i.e. dyes) or shades of dyes from a textile substrate. Thus, the process of whitening or bleaching a textile material is readable on the method of stripping off-shade dyes from textile material in claims 25. The said graft polymer may also be used for dye, thereby is considered readable as leveling agent for dyeing textile in claim 27.

The reference specifically or inherently meets each of the claimed limitations in the broadest interpretation. The reference is anticipatory.

In the alternative that the above disclosure is insufficient to anticipate the above listed claims, it would have nonetheless been obvious to the skilled artisan to use a grafted polymer as taught by Abel to strip off-shade dyeings from the textile material or leveling the dyeing of a textile, as the reference teaches each of the claimed components within the claimed proportions for treatment of dyes in textile material (Abstract).

8. Claims 27 and 29 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bockh et al. (U.S Pat. 6,165,969 hereinafter, "Bockh").

With respect to claims 27 and 29, Bockh teaches a polymer comprising of (a) 25-100 mol% of quaternary vinylimidazoles of the formula II, (b) 0-75 mol% of 1-vinylpyrrolidone, vinyloazolidone, N-vinylcaprolactam, N-vinylamide of C₁-C₈-carboxylic acids, acrylonitrile, vinyl esters of C₁-C₁₀-carboxylic acids, acrylic esters and methacrylic

esters of C₁-C₂₀-alcohols or the mixtures of said monomers and (c) 0-30mol% of other monethylenically unsaturated monomers as copolymerized units (Col. 3, lines 12-25). Bockh further teaches the said polymer is useful for color fixing and color transfer-inhibiting additive to laundry (i.e. textile material) (Abstract). Bockh further teaches the said polymer is used at a concentration of as low as from 20 to 100 ppm (0.002 to 0.01 g/l) in the wash liquid or the liquor (Col. 6, lines 40-44). The upper limit of the said polymer is considered to read on the lower limit of 0.01 g/l in claim 29. The disclosure of component (a) is considered to read on monethylenically unsaturated monomers B2 that contains at least one nitrogen heterocycles and component (c) is the other monethylenically unsaturated monomers that is considered readable on monethylenically unsaturated monomers B1 that contains at least one nitrogen heterocycles. Component (b) may be readable on the polymeric grafted base A which contains no monoethylenically unsaturated units. The mixture of the monomers inherently formed side chain of component (a) and (c) on the base polymer of component (b). Bockh further teaches the said polymer is used for color-fixing (Abstract). The disclosure of using color-fixing polymer to treat textile material (laundry) is considered to read on a method of leveling the dyeing of a textile.

The reference specifically or inherently meets each of the claimed limitations in the broadest interpretation. The reference is anticipatory.

In the alternative that the above disclosure is insufficient to anticipate the above listed claims, it would have nonetheless been obvious to the skilled artisan to use a grafted polymer as taught by Bockh to leveling the dyeing of a textile, as the reference

teaches each of the claimed components within the claimed proportions for affixing colors to textile material (Abstract).

Response to Arguments

9. Applicant's arguments with respect to claims 25, 27, 29, and 38 have been considered but are moot in view of the new ground(s) of rejection set forth above.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

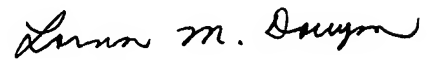
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh T. Nguyen whose telephone number is (571) 272-8082. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



KTN
12/12/2007



LORNA M. DOUYON
PRIMARY EXAMINER